

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

RAFAEL MARICHAL LLOVERAS,

Plaintiff(s)

v.

SERGIO GONZALEZ QUEVEDO, et al.,

Defendant(s)

CIVIL NO. 04-2289 (JAG)

ORDER

On May 10, 2005, the Court ordered the plaintiff to show cause why his claims against Sergio Gonzalez-Quevedo, Jane Doe 04CV2289, and Irving Ocasio should not be dismissed pursuant to Fed.R.Civ.P. 4(m) for failure to serve summons within the prescribed time limits (Docket No. 8). On May 23, 2005, plaintiff complied with the Court's order (Docket No. 9).

The Court, however, finds that plaintiff has failed to show good cause for his failure to serve summons within statutory time limits or for his failure to request an extension of time before the 120-day period ran out. Accordingly, the Court hereby dismisses plaintiff's claims against Sergio Gonzalez-Quevedo, Jane Doe 04CV2289, and Irving Ocasio **without prejudice**. Because the remaining defendant, Dr. Jack Allison, is only being sued in his official capacity and for any injunctive relief which may be needed to provide a proper remedy in this case, the claims against him must also be dismissed **without prejudice**. Judgment shall enter accordingly.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 24th day of May 2005.

S/Jay A. Garcia-Gregory
JAY A. GARCIA-GREGORY
United States District Judge